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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NEW JERSEY MANUFACTURER'S INSURANCE
COMPANY as subrogee of PAUL UHLIK and
JESSICA ROSE, and NEW JERSEY
MANUFACTURER'S INSURANCE COMPANY,
individually,

Plaintiffs,

v.

UNITED STATES POSTAL SERVICE,
STEVEN COOPER, JOHN DOE, a fictitious
name,

Defendants.

CIVIL ACTION NO.

NOTICE OF REMOVAL

TO: Clerk, Superior Court of New Jersey
Law Division, Passaic County
77 Hamilton Street
Paterson, New Jersey 07505-2017

Roy H. Binder, Esq.
Roy H. Binder & Associates, LLC
401 Hamburg Turnpike, Suite 307
Wayne, New Jersey 07470
Attorneys for Plaintiffs

PLEASE TAKE NOTICE that this case, previously pending in the Superior Court of New Jersey, Law Division, Passaic County, Docket No. PAS-L-001178-20, is now removed to the United States District Court for the District of New Jersey, pursuant to 28 U.S.C. §§ 1346(b)(1) and 2679(d)(2). The United States of America is substituted for removing Defendants United States Postal Service and Steven Cooper (collectively "Defendants") under 28 U.S.C. §§ 1346(b)(1) and 2679(d)(1),

with respect to all of the claims set forth against them in the complaint. The United States of America, by and through its undersigned attorneys, respectfully states the following in support of the removal of this matter:

1. On April 15, 2020, Plaintiffs initiated this action in Superior Court of New Jersey, Law Division, Passaic County. Service of process has not been effected upon the United States of America in the manner specified in and required under Federal Rule of Civil Procedure 4(i).

2. In the State Court action, Plaintiffs seek damages from Defendants for property damage allegedly sustained as the direct and proximate result of Defendants' alleged negligence during a motor vehicle accident that took place on May 1, 2018. *See Exhibit A* (State Court complaint).

3. This action is deemed to be an action against the United States under 28 U.S.C. §§ 1346(b)(1) and 2679(d), because the United States Attorney's Office has certified that Defendant Steven Cooper was acting within the scope of his employment as an employee of the United States at the time of the conduct alleged in the complaint. *See Exhibit B* (Certification of Scope of Employment).

4. The United States District Courts have exclusive jurisdiction over tort actions filed against the United States under the Federal Tort Claims Act. 28 U.S.C. § 1346(b)(1).

5. Removal of this action to the federal district court is timely because under 28 U.S.C. § 2679(d)(2), the action can be removed from state court to federal court any time before trial. A trial has not been scheduled in the State Court action.

6. This Notice of Removal will be filed with the Clerk of the New Jersey Superior Court, Law Division, Passaic County, and will be served on all parties in accordance with 28 U.S.C. § 1446(d). *See Exhibit C* (Letter to Clerk of New Jersey Superior Court).

Dated: Newark, New Jersey
October 26, 2020

CRAIG CARPENITO
United States Attorney

By: s/Frances C. Bajada
FRANCES C. BAJADA
Assistant United States Attorney